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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,439	04/10/2000	Mikael Linden	442-009325-US(PAR)	3336

7590  
Perman & Green  
425 Post Road  
Fairfield, CT 06430

02/28/2006

EXAMINER

HENEGHAN, MATTHEW E

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/546,439	Applicant(s) LINDEN ET AL.	
	Examiner Matthew Heneghan	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-12,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-12,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/12/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 September 2005 has been entered.
2. In response to the previous office action, Applicant has amended claims 1, 9, and 12 and added claims 17 and 18. Claims 1, 2, 5-12, 17, and 18 have been examined.

### ***Information Disclosure Statement***

3. The Information Disclosure Statement filed 12 December 2005 has been fully considered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "said network element" in the second limitation.

There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 5, 8, 9, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,935,249 to Stern et al.

As per claims 1, 9, and 12, Stern discloses the use of a computer having a Java Enabled Network Device to download drivers such as Java applets for a server and only implements those that are determined by the standard Java libraries to have valid digital signatures (see column 10, lines 29-48 and figure 7). The Network Device is connected to a desktop or portable computer, which contains the "restricted library," to which drivers may be sent. The network connections conform to the OSI Data Layer Model (see column 1, lines 20-22), wherein the format of a transmission is inherently modified at various transmission layers. Java is a type of Application Programming Interface. Since the device sends a request for such objects to a network server, the network address inherently must be sent as part of the request (the address is in Destination address of the Request packets; the server must also have an address to which it should send a reply) (see column 11, lines 13-31).

Regarding claim 5, functional Java applets are inherently transmitted in their compiled form as byte-oriented tokens.

Regarding claim 8, a Java applet that is listening to IP traffic must necessarily receive data in a particular format.

Regarding claim 11, the Network Device may store objects for use by clients (see column 12, lines 12-18); in that embodiment, it constitutes a server.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 6, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,935,249 to Stern et al.

Regarding claims 2 and 10, Stern does disclose the use of a portable computer, but does not disclose the use of wireless connections.

Official notice is given that it is well-known in the art to employ wireless networking with portable computers, in order to provide greater mobility.

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Stern by using wireless networking, as is well-known in the art, in order to provide greater mobility.

Regarding claims 6 and 7, Stern discloses that a signature must be associated with a particular vendor or application provider, but does not disclose the use of a character string signifying that vendor in the signature generation. Stern further discloses the use of hashes using a manufacturer's key for signature generation (see column 6, lines 3-23).

Official notice is given that the use of character strings as identifying information is well-known in the art, as strings may be used to uniquely identify a sender.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use character strings as identifying information in digital signatures, as is well-known in the art, in order to uniquely identify a sender.

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,935,249 to Stern et al. as applied to claims 1 and 9 and further in view of U.S. Patent No. 6,157,966 to Montgomery et al.

Stern does not disclose what kind of system the host computer is.

Montgomery discloses the use of smart cards as computers for storing programs and executing them using its microcontroller via a terminal (see column 1, line 55 to column 2, line 19) and further notes that this allows for smart cards to be used for such applications as electronic games (see column 1, lines 13-20).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to implement the invention of Stern by using a smart card as the host computer, as disclosed by Montgomery, as this allows for smart cards to be used for such applications as electronic games.

### ***Response to Arguments***

8. Applicant's arguments filed 13 September 2005 have been fully considered but they are not persuasive. The features added to the independent claims are disclosed by Stern or are inherent; the new claims are obvious as noted above.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu, can be reached at (571) 272-3859.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



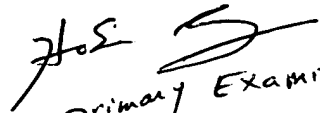
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February 13, 2006

  
primary Examiner  
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